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Richard E. Hill, Jr.
Center for Veterinary Biologics
510 South 17th Street
Suite 104
Ames IA 50010

AUG 29 2002

Dear Mr. Hill, Jr.:

Transmitted herewith is a copy of the application for patent term extension of U.S. Patent No. 5,275,813. The application was filed on May 10, 2002, under 35 U.S.C. § 156.

The patent claims a product that was subject to regulatory review under the Virus-Serum-Toxin Act. Subject to final review, the subject patent is considered to be eligible for patent term restoration. Thus, a determination by your office of the applicable regulatory review period is necessary. Accordingly, notice and a copy of the application are provided pursuant to 35 U.S.C. § 156(d)(2)(A).

Inquiries regarding this communication should be directed to the undersigned at (703) 306-3159 (telephone) or (703)872-9411 (facsimile).

Karin Ferriter

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Kevin L. Bastian
Townsend & Townsend & Crew
Two Embarcadero Center, 8th Floor
San Francisco CA 94111-3834

RE: Fel-O-Vax® FIV vaccine



August 5, 2002

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Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy
United States Patent and Trademark Office
Washington, D.C. 20231

Dear Ms. Ferriter:

This is in regard to the application for patent term extension of U.S. Patent No. 5,275,813 filed by the Regents of the University of California under 35 U.S.C. § 156. The veterinary biologic product claimed by the patent is Fel-O-Vax[®] FIV vaccine (Feline Immunodeficiency Virus Vaccine, Killed Virus), which was assigned VS Code No. 15A5.21.

A review of the Center for Veterinary Biologics official records indicates that this product was subject to a regulatory period before its commercial marketing or use, as required under 35 U.S.C. § 156(a)(4).

The United States Veterinary Biological Product License was issued on March 14, 2002, which makes the submission of the patent term extension application on May 10, 2002, timely within the meaning of 35 U.S.C. § 156(d)(1).

Should you conclude that the subject patent is eligible for patent term extension, please advise us accordingly. As required by 35 U.S.C. § 156(d) (2) (A) we will then determine the applicable regulatory review period, publish the determination in the Federal Register, and notify you of our determination.

Sincerely,

Richard E. Hill, Jr.
Director
Licensing and Policy Development



APHIS - Protecting American Agriculture
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